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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,121	10/17/2001	Mark Maggenti	000211D3	3323

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2685

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,121

Applicant(s)

MAGGENTI ET AL.

Examiner

THUAN T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigler et al. (U.S. Patent No. 5,717,830/ or "Sigler" hereinafter) in view of Balasuriya (US Patent No. 6,411,815 B1).

Regarding claims 1, 7, 13-19 and 21-23, Sigler discloses a system and method for a push-to-talk (PTT) communication device to participate in a group communication net over a distributed network (Figs 1 & 9 for including other networks such as PSTN, MTS, private networks even to LAN and WAN networks including the Internet with IP or TCP/IP of the Internet are addressed in col. 1/lines 14-20 for satellite communication network, col. 3/line 64 to col. 4/line 11 for LAN/WAN, col. 13/lines 38-43 for mobile network, and in the Glossary, col. 44 & 49 for IP and TCP/IP). Within this communication system, Sigler discloses a system and its corresponding technique for competing between a first communication device and a second communication device for "floor controlling", i.e., the priority in taking communication control

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over a closed group network, comprising the step of receiving the request from the second communication device and granting the floor control if the second communication device has a higher priority level by comparing the priority code for providing that communication device the right to have floor control (col. 25/line 45 to col. 26/line 20).

Sigler does not clearly provide the comparison between the first user and the other users for the priority levels and giving the floor control to the one having higher priority level; however, such a technique is well known in the art. In fact, Balasuriya teaches that in PTT talk group, the floor control is given to a single one known as "primary arbitrator" and/or "second arbitrator" (see Figs. 1 & 2, and col. 1/lines 10-54 for an overview background on how this person can control the PTT communication). Balasuriya further teaches to include the step of comparing the priority levels of users of PTT devices in granting the control or denying it (see Fig. 3/step 316, and col. 6/line 5 to col. 7/line 15 for the comparison of priority levels in determining the one can have the floor control). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sigler's system with a well known "floor control" feature within the PTT network based on the comparison of priority levels as taught by Balasuriya in order to obtain an enhanced PTT communication system that can easily granting the floor control to a particular user if that particular user has a higher priority level.

As for claims 2-6, 8-12, and 20, Sigler further provides a system and its corresponding method for registering and re-registering the users within the net by determining whether the user would like to join as participants in a net within a group communication network or not, for instance, allowing or unregistering the user to engage in the group communication, by sending a message to a communication device for determining whether the communication wishes to stay a participant in the net and listing the communication device as a participant in the net if the communication device responds or sends a response within a predetermined time period (col.

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17/line 38 to col. 18/line 36 for the user engages in the net communication group or deactivating from it; and col. 22/line 50 to col. 23/line 44 for call monitoring whether a communication device is active or not within a net communication group); including of a dormant mode, wherein the group communication net is capable of offering, as a user is being detected for inactive for a period of time and a technique for reactivate the standby mode or dormant mode as with the user's activation prompting the controller to activate the group communication net (col. 30/line 54 to col. 32/line 25 for standby modes); and wherein the group communication system including a (group) controller to manage the group communication net and interfacing with push-to-talk communication device (col. 10/lines 10-24 & col. 17/line 25 to col. 18/line 8), including the method of handling or processing packet data with a transmitter and receiver to send and receive packet data (col. 35/lines 20-24 as user routes messages using Mobile Packet Data Service), further including a user activated mechanism for user to activate the transmitter or the push-to-talk communication device for transmitting the mentioned packet data (PTT button is used for activating the push-to-talk communication, col. 19/line 40 to col. 20/line 7) as well as the communication device is wireless (Fig. 1, and col. 16/line 61 to col. 17/line 7 for mobile users addressed), including a memory within the wireless device (for storing ID into a memory, in col. 21/lines 8-15), and a database for storing packet data for until the controller is ready to receive the packet data (Fig. 3 for a data hub in handling MET user packet switched); a controller as NOC oversees the operation of the system in managing and controlling system resources regarding the group communication net (Figs. 3-4, 8-9, and col. 3/line 64 to col. 4/line 3) further including a priority service (col. 20/lines 8-15) such that the priority is dynamically configurable in a manner that an interruption can occur for users with more priority requests (col. 9/lines 45-64 & col. 36/lines 44-67 for priority and dynamic features) and a secure mode (col. 26/line 54 to col. 28/line 55 for encryption and techniques for ensuring anti-fraud acts and

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securing technique with encryption algorithm); the communication device further including identification information, as well as a cellular ESN for identifying each mobile user by identification updates or matching that ESN to home cellular carrier (col. 34/lines 33-37), and updated information can be done or changed with new information (col. 20/lines 23-34 & Fig. 9 for mobile users in different nets).

In addition, Balasuriya further teaches the granting process for priority levels to users involves procedure that including other limitations claimed not limited to receiving a request, priority levels are dynamically assigned, interrupt the first one and granting request to a second one and notify whether the one has been denied the floor control (see Figs. 3-5, and col. 5/line 64 to col. 8/line 8).

Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is (703) 306-0377.



TONY T. NGUYEN
PATENT EXAMINER *TDH*

Tony T. Nguyen
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August 6, 2004